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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Cyprus

1. The Committee considered the initial report of Cyprus (CRC/C/8/Add.24) at its 309th to 311th meetings (CRC/C/SR.309-311), held on 4 and 5 June 1996 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the Government of Cyprus for the submission of its initial report, its written information in reply to the questions set out in the list of issues (CRC/C.11/WP.3) and the constructive and fruitful dialogue. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy and programme directions, but also the difficulties encountered during implementation of the Convention.

B. Positive aspects

3. The Committee welcomes the efforts undertaken by the Government to review the national legal framework in order to harmonize it with the provisions and principles of the Convention. In this regard, the Committee notes with satisfaction that the Juvenile Offenders Law is currently being revised. It also notes with satisfaction that the death penalty for ordinary crimes has been abolished and welcomes the fact that the Parliament is currently discussing the adoption of a bill prohibiting capital punishment for acts of high treason.

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* At the 314th meeting, held on 7 June 1996.

4. The Committee also notes with satisfaction that the Convention has been invoked in court proceedings and it welcomes the commitment made during the dialogue by the government delegation to send information on those judicial decisions.

5. The Committee welcomes the establishment of the Central Committee for Monitoring the Implementation of the Convention on the Rights of the Child. It also notes with satisfaction the organization by the Committee for the Protection and Welfare of Children since 1989 of a "Children's week", focused on the Convention.

6. The Committee further notes the existence of comprehensive programmes and services for the welfare of children.

7. The Committee welcomes the recent ratification by the State party of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

8. The Committee welcomes the readiness of the State party to collaborate with the non-governmental organization community.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee notes that the State party, as a consequence of events which occurred in 1974 and which resulted in the occupation of part of the territory of Cyprus, is not in a position to exercise control over all of its territory and consequently cannot ensure the application of the Convention in areas not under its control. The fact that no information on children living in the occupied territories is available is a matter of concern to the Committee.

D. Principal subjects of concern

10. The Committee is concerned by the lack of conformity with the Convention of legislative provisions in some matters relating to the definition of the child, in particular the age of seven for criminal responsibility. It is also concerned that children between 16 and 18 years of age are considered as adult offenders in the criminal justice system.

11. The Committee also expresses its concern that the State party has not yet fully taken into account in its legislation and policy-making the general principles of the Convention (see in particular paras. 12, 13 and 14 below); article 2 (principle of non-discrimination), article 3 (principle of the best interests of the child) and article 12 (respect for the views of the child).

12. The Committee remains concerned about the apparent persistence of discriminatory attitudes towards children born out of wedlock with regard to their right to a name and to citizenship.

13. With respect to the implementation of articles 12, 13, 14 and 15 of the Convention, insufficient attention has been accorded to ensuring that children are involved in decisions, including within the family, and in administrative and judicial procedures regarding them.

14. The Committee is concerned by the decisions taken in matters relating to adoption without fully respecting the principles of article 3 (best interest of the child).

15. The Committee is concerned at the insufficient attention paid to systematic and comprehensive data collection, identification of appropriate indicators and monitoring mechanism for all areas covered by the Convention in relation to all groups of children, including minority group children, children in rural areas, institutionalized and disabled children, and child victims of sexual exploitation.

16. The Committee is concerned by the persistence of traditional practices and attitudes that may affect the development of some children. The Committee is particularly concerned about the consequences of early marriages. It is also concerned about the insufficient awareness and understanding among adults and children of the principles and provisions of the Convention.

17. In the light of articles 7 and 8 of the Convention, the Committee notes that while the procedure for birth registration is adequate, it remains concerned that the application in some rural areas may result in some children being hampered in the enjoyment of their rights.

18. The Committee is concerned by the recent incidence of prostitution which affects particularly non-Cypriot children. It is also worried about the increasing number of children working as domestic servants in illegal conditions and who are vulnerable to all types of abuse, including sexual abuse and exploitation.

19. The situation of the system of the administration of juvenile justice, and in particular the lack of compatibility with articles 37 and 40 of the Convention as well as other relevant standards such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee.

B. Suggestions and recommendations

20. The Committee recommends that the State party undertake legislative reform to ensure that legislation conforms fully with all the provisions of the Convention, in particular its general principles (arts. 2, 3, 6 and 12).

21. The Committee further recommends that the State party gather all necessary information, appropriate indicators and disaggregated data on the situation of children in the various areas covered by the Convention and in relation to all groups of children, including children belonging to the most vulnerable groups.

22. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the participatory rights of children, in the light of article 12 of the Convention. Current efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike should be pursued and developed in the light of article 42 of the Convention.

23. With respect to the implementation of articles 12, 13, 14 and 15 of the Convention, the Committee recommends that consideration be given by the State

party to facilitating children's participation and the respect for their views in decisions affecting them, especially in the family, at school and in the courts.

24. To appropriately combat persisting negative and discriminatory attitudes, the Committee encourages the State party to carry out a comprehensive and integrated public information campaign aimed at promoting children's rights within the society, and particularly within the family.

25. The Committee also recommends that the State party provide specific training activities on the Convention to professional groups working with and for children, including teachers, social workers, health personnel, judges and law enforcement officials.

26. The Committee also encourages the State party to consider extending the mandate of the Ombudsperson to enable him/her to receive and process all complaints relating to all types of issues affecting children.

27. The Committee recommends that steps be taken to ensure the birth registration of all children, particularly children living in rural areas.

28. In the light of articles 2, 7 and 8 of the Convention, the Committee strongly recommends that the authorities take all necessary measures to ensure that children born out of wedlock enjoy all their fundamental rights.

29. In the light of article 19 of the Convention, the Committee further recommends that the authorities gather information and initiate a comprehensive study to improve the understanding of the nature and scope of the problem of child neglect and abuse and set up social programmes to prevent them.

30. The Committee recommends that the national law and practices with regard to adoption, be made to fully conform with the Convention and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, including the principle of the best interests of the child.

31. In the field of the administration of juvenile justice, the Committee recommends that legal reform be pursued and take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to raising the age of criminal responsibility and ensuring that persons between 16 and 18 years of age enjoy all the rights recognized in the Convention.

32. The Committee encourages the State party to disseminate widely the State party's report, the summary records of the discussion of the report within the Committee and the concluding observations adopted by the Committee following its consideration of the report. The Committee suggests that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up.

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